

E-filed 11/1/06

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 STEPHANIE M. HINDS (CSBN 154284)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
7 Telephone: (415) 436-6816
8 fax: (415) 436-6748
e-mail: stephanie.hinds@usdoj.gov

Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION
12

13 UNITED STATES OF AMERICA,)

14 Plaintiff,)

15 v.)

16 MISCELLANEOUS FIREARMS,)
17 SILENCERS AND AMMUNITION,)

18 Defendant.)

No. C 03-1920 JF

**STIPULATION AND [PROPOSED] ORDER
EXTENDING STAY AND VACATING CASE
MANAGEMENT CONFERENCE**

19 Plaintiff, United States of America, and Prospective Claimant Kevin Dugan, through
20 undersigned counsel, hereby apply to the Court for a further order extending the stay of this
21 matter and vacating the case management conference currently scheduled for November 17,
22 2006. In this in rem civil action, plaintiff seeks to forfeit certain firearms, silencers and
23 ammunition alleged to have been illegally possessed by Kevin Dugan. As reported in the last
24 request for an extension staying this action, Dugan is a prospective claimant in this action,¹
25 which is based, in large part, on the allegations at issue in the pending criminal action (United
26 States v. Kevin Dugan, CR 03-20010 JF) . The Court has previously entered orders staying this
27 matter pending resolution of the ongoing criminal proceeding. Pretrial motions in the related
28 criminal case are currently scheduled for November 8, 2006. The factual predicate for entry of

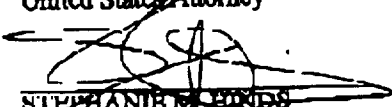
¹Dugan has not yet filed a claim or Answer in the civil forfeiture action, but has advised the government and the Court that he intends to so.

the stay has not changed. Accordingly, the parties hereby request that the Court extend the stay in this matter and continue the case management conference until Friday, January 19, 2007, or a date convenient for the Court.

Dated: 10/19/07

Respectfully submitted,

KEVIN V. RYAN
United States Attorney


STEPHANIE M. SMITH
Assistant United States Attorney

Dated: 10/20/06



DANIEL HALPERN
Attorney for Prospective Claimant Kevin Dugan

(PROPOSED) ORDER

IT IS SO ORDERED. The captioned civil forfeiture case shall be stayed pursuant to 18 U.S.C. § 981(g)(1) and (2) until the conclusion of the related district court criminal case, CR 03-20010 JF. The case management conference currently scheduled for November 17, 2006 is vacated. The matter is continued for further status until Friday, January 19, 2007, or a date convenient for the Court.

Dated: 11/1/06

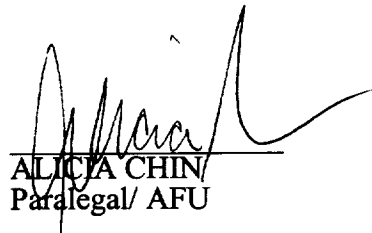

JEREMY FOGEL
United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **STIPULATION AND [PROPOSED] ORDER EXTENDING STAY AND VACATING CASE MANAGEMENT CONFERENCE** to be served this date by electronic delivery upon the persons below at the place and address which is the last known address:

Daniel Halpern, Esq.
Halpern & Halpern
111 N. Market Street, Suite #1010
San Jose, CA 95113

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of October, 2006, at San Francisco, California.


ALICIA CHIN
Paralegal/ AFU